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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,166	07/21/2003	Harri Lakkala	KOLS.044PA	6358

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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/624,166	Applicant(s) LAKKALA, HARRI	
	Examiner Anthony S. Addy	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. This action is in response to applicant's amendment filed on June 15, 2006.

Claims 1-37 are pending in the present application.

Response to Arguments

3. Applicant's arguments filed on June 15, 2006 have been fully considered but they are not persuasive.

With respect to applicant's argument that, "Skinner fails to disclose or teach a control unit configured to save messages relating to unanswered calls and to constitute contact attempts from the messages relating to the unanswered calls (see page 8, third paragraph of the response)," by arguing that more specifically, Skinner fails to teach that if a call is not answered, then unanswered call data and a message relating to the call are combined together in the subscriber terminal (see page 9, first paragraph of the response)," examiner respectfully clarifies the teachings of Skinner are specifically being incorporated to teach "messages relating to unanswered calls and to constitute contact attempts from the messages relating to the unanswered calls, wherein the message comprises a text message" which in combination with the teachings of Sakai meets the limitations of "a control unit configured to save messages relating to

unanswered calls and to constitute contact attempts from the messages relating to the unanswered calls, since Sakai teaches the CPU [i.e. reads on a control unit] stores caller information in a storage unit, distinguishing caller information of responded calls from caller information of missed calls not responded calls [i.e. reads on unanswered call] (see p. 5 [0092]). Examiner further reiterates that Sakai further teaches the caller information includes a caller's name, phone number, and image data to identify a missed caller [i.e. reads on unanswered call data and messages and constitute a contact attempt] (see p. 5 [0097]), which in combination with the teachings of Skinner that, if a terminating telephone is unavailable, i.e. situations in which the subscriber does not actually receive or answer an incoming call and converse with the caller, or situations where the terminating telephone is busy or idle, where the subscriber is ignoring the incoming call, and other like situations, a customized SMS message is received at the terminating telephone device and displayed to identify the missed caller [e.g. an example message could read "CALL YOUR WIFE AT 555-1234, which reads on messages relating to unanswered calls and to constitute contact attempts from the messages relating to the unanswered calls] (see Skinner, col. 2, line 57 through col. 3, line 2, col. 3, line 61 through col. 4, line 34 and col. 6, lines 14-20).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references are in the same field of endeavor as applicant's instant invention, both references are directed to the field of presenting missed call attempts to a subscriber terminal and the motivation for combining was clearly stated by the examiner from the teachings of Skinner. The motivation to enable a subscriber screening calls due to an insufficient identification of an originator or an unavailable subscriber to decide whether to accept a call from an originator or respond at a later time as per the teachings of Skinner (see col. 4, line 35 through col. 5, line 16). Furthermore it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the present application, applicant's arguments are based on considering each reference

individually while the rejection is based on both references, hence the rejections using the combination of Sakai and Skinner are proper and maintained as repeated below.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sakai et al., U.S. Publication Number 2003/0100295 A1 (hereinafter Sakai)** and further in view of **Skinner et al., U.S. Patent Number 6,529,737 (hereinafter Skinner)**.

Regarding claims 1 and 9, Sakai teaches a subscriber terminal for a radio system (see paragraph 0063, line 1 through paragraph 0064, line 4 and Figures 1 & 9), comprising: a transceiver configured to receive calls and messages (see paragraph 0084, lines 1-14 and Fig. 1; where a reception unit 3, transmission unit 4 and duplexer 2 constituting a transceiver are shown); a control unit connected to the transceiver configured to save unanswered call data relating to unanswered calls, and to constitute contact attempts from the unanswered call data relating to the unanswered calls (see paragraph 0086, line 1 through paragraph 0087, line 10, paragraph 0092, line 1-20 [i.e. the caller information reads on saved unanswered call data and messages and constitute a contact attempt, since Sakai teaches the caller information includes ID information of the caller, caller's name, phone number, and image data to identify a missed caller and the caller information is stored in a storage unit by the CPU as a missed calls list] and Fig. 10; where CPU 5 is shown coupled to reception unit 3 and

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transmission unit 4); and a user interface connected to the control unit configured to present the contact attempts (see paragraph 0091, lines 1-4 and Fig. 1; where a display unit 9, speaker 6 and microphone 7 constituting a user interface are shown connected to CPU 5).

Sakai fails to explicitly teach a control unit configured to save messages relating to unanswered calls to constitute contact attempts from the messages relating to unanswered calls, and wherein the message comprises a text message.

Skinner, however, teaches an apparatus and method for enabling the originator of a telephone call to send a customized message or signal to an unavailable telephony subscriber, wherein the originator can form a customized short message including the originator's telephone number to be sent to the subscriber's telephone (see col. 3, line 61 through col. 4, line 34). According to Skinner, if for instance the subscriber is screening calls due to an insufficient identification of the originator, by using the short message service, the originator is then able to customize a message that is sent to the subscriber and once the message is displayed to the subscriber, the subscriber can then decide whether to accept the call from the originator or respond at a later time (see col. 4, line 35 through col. 5, line 16 and col. 2, line 57 through col. 3, line 7).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Skinner to include a control unit configured save messages relating to unanswered calls to constitute contact attempts from the messages relating to unanswered calls, and wherein the message comprises a text message, in order to enable a subscriber screening calls due to an insufficient

identification of an originator or an unavailable subscriber to decide whether to accept a call from an originator or respond at a later time as per the teachings of Skinner (see col. 4, line 35 through col. 5, line 16).

Regarding claim 2, Sakai in view of Skinner teaches all the limitations of claim 1. Sakai in view of Skinner further teaches (as taught by Skinner), wherein for the constitution of the contact attempts the control unit is configured to combine together such unanswered call data and such a message relating to an unanswered call which both refer to the same caller (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claim 3, Sakai in view of Skinner teaches all the limitations of claim 2. Sakai in view of Skinner further teaches (as taught by Skinner), wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message relating to the unanswered call both contain the same caller identifier (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claims 10 and 18, Sakai teaches an arrangement for presenting contact attempts to a subscriber of a radio system (see paragraph 0063, line 1 through paragraph 0064, line 4 and Figures 1 & 9), comprising: receiving means for receiving calls and messages (see paragraph 0084, lines 1-14 and Fig. 1; where a reception unit 3, antenna 1 and duplexer 2 constituting receiving means are shown); saving means for saving unanswered call data relating to unanswered calls (see paragraph 0092, lines 1-6 and Fig. 1; where a storage unit 8 is shown for storing information, such as a missed call lists [i.e. the caller information reads on saved unanswered call data and messages

and constitute a contact attempt, since Sakai teaches the caller information includes ID information of the caller, caller's name, phone number, and image data to identify a missed caller and the caller information is stored in a storage unit by the CPU as a missed calls list]); constituting means for constituting contact attempts from the unanswered call data relating to the unanswered calls (see paragraph 0028, lines 1-10, paragraph 0092, lines 1-15 and Figures 5 & 11); and presenting means for presenting the contact attempts (see paragraph 0091, lines 1-4, paragraph 0099, lines 1-11, Fig. 1; where a display unit 9 for displaying caller information is shown and Fig. 4; showing a missed call screen as presented on display unit 9).

Sakai fails to explicitly teach saving messages relating to unanswered calls constituting contact attempts from the messages relating to the unanswered calls, and wherein the message comprises a text message.

Skinner, however, teaches an apparatus and method for enabling the originator of a telephone call to send a customized message or signal to an unavailable telephony subscriber, wherein the originator can form a customized short message including the originator's telephone number to be sent to the subscriber's telephone (see col. 3, line 61 through col. 4, line 34). According to Skinner, if for instance the subscriber is screening calls due to an insufficient identification of the originator, by using the short message service, the originator is then able to customize a message that is sent to the subscriber and once the message is displayed to the subscriber, the subscriber can then decide whether to accept the call from the originator or respond at a later time (see col. 4, line 35 through col. 5, line 16 and col. 2, line 57 through col. 3, line 7).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Skinner to include saving messages relating to unanswered calls constituting contact attempts from the messages relating to the unanswered calls, and wherein the message comprises a text message, in order to enable a subscriber screening calls due to an insufficient identification of an originator or an unavailable subscriber to decide whether to accept a call from an originator or respond at a later time as per the teachings of Skinner (see col. 4, line 35 through col. 5, line 16).

Regarding claim 11, Sakai in view of Skinner teaches all the limitations of claim 10. Sakai in view of Skinner further teaches (as taught by Skinner), wherein for the constitution of the contact attempts the control unit is configured to combine together such unanswered call data and such a message relating to an unanswered call which both refer to the same caller (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claim 12, Sakai in view of Skinner teaches all the limitations of claim 11. Sakai in view of Skinner further teaches (as taught by Skinner), wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message relating to the unanswered call both contain the same caller identifier (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claims 19, 27, 28 and 36, Sakai teaches a computer program distribution medium readable by a computer and encoding a computer program of instructions for executing a computer process and a method for presenting contact

attempts to a subscriber terminal of a radio system (see paragraph 0005, lines 1-15, paragraph 0086, line 1 through paragraph 0087, line 10 and Figures 4 & 10), comprising: receiving calls and messages (see paragraph 0084, lines 1-10 and paragraph 6-11 and Figures 4 & 6-8); saving unanswered call data relating to unanswered calls (see paragraph 0092, lines 1-6 and Fig. 1; where a storage unit 8 is shown for storing information, such as a missed call lists); constituting contact attempts from the unanswered call data relating to the unanswered calls (see paragraph 0028, lines 1-10, paragraph 0092, lines 1-15 and Figures 5 & 11); and presenting the contact attempts with a user interface of the subscriber terminal (see paragraph 0091, lines 1-4, paragraph 0099, lines 1-11, and Fig. 4; shows a missed call screen as presented on display unit 9).

Sakai fails to explicitly teach saving messages relating to unanswered calls, constituting contact attempts from the messages relating to the unanswered calls, wherein the message comprises a text message.

Skinner, however, teaches an apparatus and method for enabling the originator of a telephone call to send a customized message or signal to an unavailable telephony subscriber, wherein the originator can form a customized short message including the originator's telephone number to be sent to the subscriber's telephone (see col. 3, line 61 through col. 4, line 34). According to Skinner, if for instance the subscriber is screening calls due to an insufficient identification of the originator, by using the short message service, the originator is then able to customize a message that is sent to the subscriber and once the message is displayed to the subscriber, the subscriber can

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then decide whether to accept the call from the originator or respond at a later time (see col. 4, line 35 through col. 5, line 16 and col. 2, line 57 through col. 3, line 7).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakai with Skinner to include teach saving messages relating to unanswered calls, constituting contact attempts from the messages relating to the unanswered calls, wherein the message comprises a text message, in order to enable a subscriber screening calls due to an insufficient identification of an originator or an unavailable subscriber to decide whether to accept a call from an originator or respond at a later time as per the teachings of Skinner (see col. 4, line 35 through col. 5, line 16).

Regarding claims 20 and 29, Sakai in view of Skinner teaches all the limitations of claims 19 and 28. Sakai in view of Skinner further teaches (as taught by Skinner), wherein for the constitution of the contact attempts the control unit is configured to combine together such unanswered call data and such a message relating to an unanswered call which both refer to the same caller (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claims 21 and 30, Sakai in view of Skinner teaches all the limitations of claims 20 and 29. Sakai in view of Skinner further teaches (as taught by Skinner), wherein the control unit is configured to find a reference to the same caller if both the unanswered call data and the message relating to the unanswered call both contain the same caller identifier (see col. 2, lines 57 through col. 3, line 2, and col. 4, lines 18-34).

Regarding claims 4,13, 22 and 31, Sakai in view of Skinner teaches all the limitations of claims 1,10, 19 and 28. In addition, Sakai teaches a subscriber terminal,

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program, method and arrangement, wherein the control unit is configured to display in the user interface the contact attempts as a list of contact attempts (see paragraph 0143, lines 6-13, paragraph 0159, lines 3-8, paragraph 0011, lines 1-15, Figures 4 & 8; see screen 44 and Fig. 11).

Regarding claims 5,14, 23 and 32, Sakai in view of Skinner teaches all the limitations of claims 4,13, 22 and 31. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to display the list of contact attempts as a list of callers (see paragraph 0143, lines 6-13, paragraph 0159, lines 3-8, paragraph 0011, lines 1-15, Figures 4 & 8; see screen 44 and Fig. 11).

Regarding claims 6,15, 24 and 33, Sakai in view of Skinner teaches all the limitations of claims 1,10, 19 and 28. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to receive a selection regarding a contact attempt from the user interface and to display the selected contact attempt in more detail in the user interface (see paragraph 0169, lines 1-11, paragraph 0157, lines 1-8, paragraph 0160, lines 1-7 and Fig. 8).

Regarding claims 7,16, 25 and 34, Sakai in view of Skinner teaches all the limitations of claims 1,10, 19 and 28. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to fetch a name of the caller present in the contact attempts from a phonebook and to display the name of the caller in the user interface (see paragraph 0160, lines 1-7, paragraph 0086, lines 1-9 and Fig. 8).

Regarding claims 8,17, 26 and 35, Sakai in view of Skinner teaches all the limitations of claims 1,10, 19 and 28. In addition, Sakai teaches a subscriber terminal, program, method and arrangement, wherein the control unit is configured to display in the user interface a selection mechanism, which, when selected, makes a contact to a caller of the selected contact attempt (see paragraph 0160, lines 1-7 and Fig. 8).

Regarding claim 37, Sakai in view of Skinner teaches all the limitations of claim 28. In addition, Sakai teaches a computer distribution medium, the distribution medium comprising a computer readable medium, a program storage medium, a record medium, a computer readable memory, a computer readable software distribution package, a computer readable telecommunication signal, and a computer readable compressed software package (see paragraph 0005, lines 1-15 and Fig. 10).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

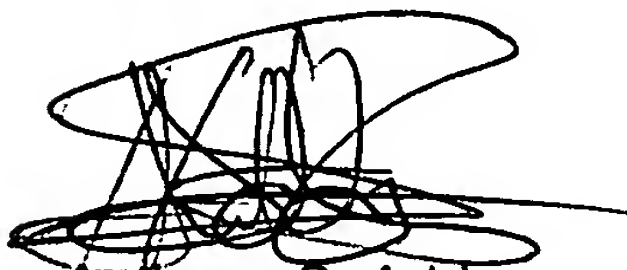
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anthony S. Addy
August 22, 2006



DUC NGUYEN
PRIMARY EXAMINER